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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 072998-012400	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>April 21, 2010</u> Signature <u><i>Rosemary D. Payton</i></u> Typed or printed name <u>Rosemary D. Payton</u>		Application Number <u>10/524,454</u> Filed <u>October 27, 2005</u> First Named Inventor <u>Joop Dalstra</u> Art Unit <u>4122</u> Examiner <u>Keith T. Aziz</u>	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/99) <input checked="" type="checkbox"/> attorney or agent of record. <u>24,075</u> Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u><i>Louis J. Bovasso</i></u> Signature Louis J. Bovasso Typed or printed name (310) 586-7729 Telephone number April 21, 2010 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>3</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 102. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Joop Dalstra	Examiner:	Keith T. Aziz
Serial No.	10/524,454	Group Art Unit:	4122
Filed:	October 27, 2005	Docket No.	072998-012400
Customer No.:	33717	Confirmation No.:	8653
Title:	ANALYTICAL SYSTEM AND METHOD FOR MEASURING AND CONTROLLING A PRODUCTION PROCESS		

CERTIFICATE OF TRANSMISSION

I hereby certify that this document is being transmitted electronically to the United States Patent and Trademark Office via the EFS Web e-Filing system on April 21, 2010.

Name: Rosemary D. Fawcett

REASONS FOR REQUEST FOR PANEL REVIEW

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, Virginia 22313-1450

Sir/Madam:

Pre-appeal brief conference review is appropriate when there are clear errors in the Examiner's review and/or the Examiner has omitted one or more essential elements needed for a prima facie rejection. Applicants believe that at least one of the conditions is present here.

Claims 13 to 15 and 19 to 22 are present in the application. Claim 13 is the only independent claim in this application. The Examiner has finally rejected claim 13 over Dalstra in view of the Abbasi publication.

The invention is directed to analyzing and monitoring a production process for glass products. Heat distribution in glass products is determined on the basis of the infrared radiation

measured, the measurement means being sensitive only to radiation from the Near Infra Red region originating from an interior wall of the glass products being measured.

The Examiner cites the teachings of Dalstra to show a method and system for analyzing and monitoring the production process of glass articles using an infrared camera. However, Dalstra does not teach that the camera is only sensitive to radiation in the near infra red region, nor that the radiation originates from the interior wall of the glass products, all as claimed by applicant.

The Examiner cites the teachings of the Abbasi publication for this feature. Thus, not only are Dalstra and Abbasi two totally independent processes, there is no suggestion to combine one with the other.

Abbasi is directed to measuring the surface temperature of work pieces (not necessarily hot glass products) disposed inside a furnace. The examiner is thus arguing that a "unit" in the Abbasi furnace can be a glass product and that, since near infrared radiation essentially originates from the interior of a glass wall (assuming that is the "unit" in Abbasi), the use of the filter in Abbasi eliminates all radiation that does not originate from the interior of the glass wall. There is no discussion in Abbasi concerning use of near infrared radiation to detect defects in the interior of hot glass products. Abbasi only talks about measuring a surface. This feature is clearly set forth in independent claim 13 and thus claim 13, and all claims dependent thereon, are clearly allowable.

REMARKS

Claim 13 is clearly patentable over the 2 references cited. Claims 14, 15 and 19 to 22 dependent thereon, are also clearly patentable.

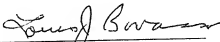
Conclusion

It is respectfully submitted that the Examiner's rejection in the Final Office Action and his position in the Advisory Action is clearly erroneous and that this application is in condition for allowance.

The Director is authorized to charge fees for filing of a Notice of Appeal as well as any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number 50-2638. Please ensure that Attorney Docket Number 072998-012400 is referred to when charging any payments or credits for this case.

Respectfully submitted,

Date: April 21, 2010



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